IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

LPA no.89 of 2005
in
Writ Petition No 3907 of 2004

Shri Pandharinath M Devare and ors.. petrs
vs
Vishwas N Devare and ors..Respondents

Mr.S.S.Pakale for petitioners

Mr.C.G.Gavnekar for respondent no.3

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 23.6.2005

P.C:

. Heard advocates.

. The only question is whether the election to the board of trustees was conducted in accordance with the scheme. The scheme was formulated by the Asst Charity Commissioner on 7.ll.l996 for administration of the trust and provisional first board of trustees was appointed. According to the scheme new board of trustees were to be elected vide clause 9 of the scheme, which reads as under:

> "o) Board of trustees shall be elected after every five (5) years in the special general body meeting to be convened by the retiring

trustees one month before the expiration of their period".

. Inspite of the specific provision in the scheme the Addl District Judge declared one of the trustees namely Narayan Govind Devare as the sole trustee and empowered him alone to take steps to appoint more trustees. This order of the Addl District Judge has been set aside by the learned single Judge and direction has been given for holding fresh election. We do not see any reason to interfere with the order of the learned single Judge. Appeal is dismissed.

. Mr Pakale seeks extension of time to hold the election. He is free to apply to the learned single Judge for such extension.

. No orders on civil application.